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9 *Counsel for Plaintiffs*

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 JASMINE HUBBARD AND MARVEL
MILLS, individually and on behalf of a class
of similarly situated individuals,

14 Plaintiffs,

15 vs.

16 WENNER MEDIA LLC, a Delaware limited
liability company

17 Defendant.
18
19

Case No. 3:11-cv-04648-EMC

**STIPULATION AND [PROPOSED]
ORDER TO RESET DATES OF INITIAL
CASE MANAGEMENT CONFERENCE
AND ARGUMENT ON MOTION**

Judge: Hon. Edward M. Chen

20 Pursuant to Civil Local Rules 6-1(b) and 6-2 of the United States District Court for the
21 Northern District of California and Rule 4 of Civil Standing Order – General of the Honorable
22 Edward M. Chen, it is hereby stipulated by and among Plaintiffs Jasmine Hubbard and Marvel
23 Mills and Defendant Wenner Media LLC (collectively the “Parties”), by and through their
24 respective counsel of record, as follows:

25 1. Plaintiffs filed the Complaint in this case on September 20, 2011. On December 9,
26 2011, Defendant filed a Motion to Dismiss or, in the Alternative, to Transfer to the Southern
27 District of New York. The Motion has been fully briefed and oral argument was originally
28 scheduled for February 17, 2012.

1 2. The Parties wished to engage in settlement discussions, indicated a desire to
2 schedule an early settlement conference with a Magistrate Judge, and had an ADR phone
3 conference on February 14, 2012. In addition, the Parties had reason to believe that limited
4 discovery from certain non-party entities would maximize the Parties ability to engage in
5 meaningful settlement discussions.

6 3. In consideration of this, the Parties stipulated to a Stay of sixty (60) days, which
7 this Court signed on February 13, 2012. (Dkt. 49.) During the stipulated period, the Parties
8 requested that this Court issue no decision on Defendant's Motion to Dismiss, or, in the
9 Alternative, to Transfer to the Southern District of New York.

10 4. After this Court signed the Parties' stipulation to stay proceedings, Plaintiff issued
11 third-party subpoenas on several entities seeking information that would inform the Parties'
12 settlement conference.

13 5. Despite Plaintiffs' diligent efforts, they have not been able to obtain all of the
14 information necessary to have settlement discussions with Defendant by May 2, 2012 (the date
15 selected for a settlement conference with the Magistrate Judge) and believe more time is necessary
16 to obtain the information needed.

17 6. As a result, the Parties have agreed and stipulated to reschedule the settlement
18 conference date from the currently scheduled date of May 2, 2012. The Parties are coordinating
19 with the Magistrate Judge for mutually-agreeable dates in late July to early August.

20 7. The Parties believe that rescheduling the Case Management Conference and
21 hearing date on Defendant's Motion to Dismiss, or, in the Alternative, Transfer to the Southern
22 District of New York, would be in the best interests of judicial efficiency and economy, as the
23 Parties may reach settlement in the interim. In addition, a ruling on Defendant's Motion to
24 Dismiss may have the effect of disrupting settlement negotiations that are already ongoing.

25 8. This stipulation would alter certain preliminary deadlines established by this Court,
26 including the obligation to file a Joint Case Management Statement in advance of the Case
27 Management Conference currently scheduled for April 20, 2012 at 9:00 a.m.

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a. The Initial Case Management Conference scheduled for Friday, April 20, 2012 shall be continued to Friday, August 17, 2012 at 9:00 a.m. in Courtroom 5, 17th Floor, 450 Golden Gate Avenue, San Francisco, California, or as soon thereafter as is convenient for the Court.

b. Oral argument on Defendant's Motion to Dismiss, or, in the Alternative, Transfer to the Southern District of New York shall be continued to the same date and time as the Initial Case Management Conference, or as soon thereafter as is convenient for the Court.

c. The April 13, 2012 deadline for the Parties to file a Joint Case Management Statement shall be continued to August 10, 2012.

This is the third stipulated time modification in this case; on November 7, 2011, the Parties filed a joint stipulation to extend the time for Defendant to answer, move or otherwise respond to the Complaint, and the Court so ordered on November 9, 2011. On February 10, 2012, the Parties filed a stipulation and proposed order to reset the Case Management Conference and oral argument on Defendant's Motion to Dismiss, or, in the Alternative, Transfer Venue to the Southern District of New York, which the Court so ordered on February 13, 2012. No trial date has been set, so this extension will not require that a trial date be rescheduled, but it will require that the Initial Case Management Conference and related deadlines be rescheduled, as set forth *supra*.

IT IS SO STIPULATED.

DATED this 9th day of April 2012.

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ORDER

Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

IT IS FURTHER ORDERED that the April 20, 2012 Initial Case Management Conference and Defendant's motion to dismiss shall be rescheduled to { 8/24 } at 9:00 a.m. in Courtroom 5, 17th Floor, 450 Golden Gate Avenue, San Francisco, California. 1:30 P.M.

IT IS SO ORDERED.

DATED: April ¹⁰____, 2012

